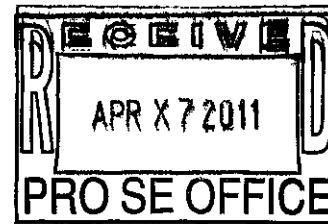


11 CIV. 2568

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKVera L Givens

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

City of New York, New York  
City Department of Corrections  
Patricia Gatling, Commissioner of  
The New York City Commission on Human Rights See Attached  
For additional  
Defendants

COMPLAINT  
FOR EMPLOYMENT  
DISCRIMINATIONJury Trial: ☒ Yes ☐ No  
(check one)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

\_\_\_\_\_ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

**NOTE:** In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

\_\_\_\_\_ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

**NOTE:** In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

**NOTE:** In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☒ New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

**I. Parties in this complaint:**

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Vera Givens L  
 Street Address 7 Allerton Avenue  
 County, City Middletown NY 10940  
 State & Zip Code Middletown NY 10940  
 Telephone Number 347 313 5902

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Att. Jean N Gilberg / Legal Department  
New York City Department of Corrections  
 Street Address 75-20 Astoria Boulevard  
 County, City EAST ELMHURST Boulevard NY 101370  
 State & Zip Code Queens NY 11370  
 Telephone Number 512 266-1711

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer New York City Department of Corrections  
 Street Address 1 Hallack Street  
 County, City Brooklyn NY 10474  
 State & Zip Code Brooklyn NY 10474  
 Telephone Number \_\_\_\_\_

**II. Statement of Claim:**

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

☐ Failure to hire me.  
☒ Termination of my employment. Feb 3, 2009  
☐ Failure to promote me.  
☒ Failure to accommodate my disability. Oct 10, 2006 To February 3, 2009  
☒ Unequal terms and conditions of my employment.

(Defendants)

① Paul Labossiere  
40 Rector Street 10th floor  
N.Y., N.Y. 10006

② Patricia L. Gatling  
40 Rector Street 10th floor  
N.Y., N.Y. 10006

③ Mark Wilson  
40 Rector Street 10th floor  
N.Y., N.Y. 10006

(Defendants)  
④ Cynthia Barrett  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

⑤ Ronell Vismalle  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

⑥ William Thomas (Warden)  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

⑦ Deputy Warden Diane Can  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

⑧ Warden Carmine Labarzo  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

⑨ Security Captain (Vice)  
Vaughn  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

⑩ Norman Seabrook  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

⑪ Luis R Burgos  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

⑫ Jackie Burgos  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

⑬ Phyllis Smalls  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

⑭ Dale Paglos  
75-20 Astoria Blvd  
East Elmhurst NY 1121370

✓

Retaliation.

Other acts (specify): \_\_\_\_\_

**Note:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: Oct 10 2008 To Feb 3, 2009  
Date(s)

C. I believe that defendant(s) (check one):

X

is still committing these acts against me.

is not still committing these acts against me.

Refused to pay for my  
Medications for my disability  
Claim Worker Compensation  
despite Judge order.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

- ☐ race \_\_\_\_\_ ☐ color \_\_\_\_\_
- ☐ gender/sex \_\_\_\_\_ ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_

☐ age. My date of birth is \_\_\_\_\_ (Give your date of birth only if you are asserting a claim of age discrimination.)

☒ disability or perceived disability, Right Knee Foot & Ankle Damage  
Post Traumatic Stress Disorder, An eye disorder, Sore Papules (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

Respondant (NYC Dep Correction) offered an Accommodation, who and removed the accommodation unlawfully. Terminated the petitioner who was out on Worker Compensation injury for violated sick leave collecting bagging agreement creating a hostile working environment caused undue hardship, negligently, wantonly, intentionally, recklessly, knowingly and wrongfully deprived privileges of employment. Wrongfully imputed charges discriminatory charges.

**Note:** As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

### III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: \_\_\_\_\_ (Date).

The Defendants (Commission on Human Rights)

Failure to Investigate a true Investigation involving disparaged unlawful/wrongful termination and engaging in unlawful discrimination practice, and falsifying documentation and carrying out a one sided Investigation, failure to investigate disability discrimination, purposely and intentionally engaged in unlawful discrimination practice, the Commission sabotaged by complaint with the understanding that Luis P. Burgos Deputy Commissioner who is one of the defendants in the complaint previously worked at New York City Department of Correction as a EEO Commissioner and in current since 2008 work with the commission on human rights as a first vice deputy commissioner which is a conflict of interest pertaining to my complaint,

B. The Equal Employment Opportunity Commission (*check one*):

           has not issued a Notice of Right to Sue letter.  
X issued a Notice of Right to Sue letter, which I received on March 1, 11 (Date).

*Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.*

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

           60 days or more have elapsed.  
           less than 60 days have elapsed.

#### IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: monetary relief, including past and ongoing economic loss, injunctive relief, declaratory judgment, compensation, and punitive damages, disbursements, cost fees, and fees for violations of plaintiff pursuant to state law.  
 (Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7 day of April, 2011

Signature of Plaintiff

Address

Telephone Number

Fax Number (if you have one)

EEOC Form 161 (11/09)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Vera Givens**  
**7 Allerton Avenue**  
**Middletown, NY 10940**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

16F-2007-00138

**Holly M. Woodyard,**  
**Investigator**

(212) 336-3643

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



**Elizabeth Grossman,**  
**Acting District Director**

MAR - 1 2011

(Date Mailed)

Enclosure(s)

cc: **NYC DEPARTMENT OF CORRECTION**  
**Jean N. Gilberg, Legal Division**  
**75-20 Astoria Blvd.**  
**East Elmhurst, NY 11370**

**Lloyd Somer, Esq.**  
**Law Offices of Lloyd Somer**  
**330 Seventh Ave., 15<sup>th</sup> Fl.**  
**New York, NY 10001**